

HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Draft texts of the legal instruments and outline of provisions in regulations

Note by the Secretariat

SUMMARY

<i>Executive summary:</i>	This document provides draft texts of the legal instruments for the ballast water management prepared by the Secretariat as requested by MEPC 42.
<i>Action to be taken:</i>	Paragraph 6.1
<i>Related documents:</i>	MEPC 43/4

I GENERAL

1.1 The Committee, at its forty-third session, considered the legal framework options for ballast water management regulations and instructed the Secretariat to prepare for consideration by MEPC 43 draft texts of legal instruments for the following three options:

- .1 amendments to an existing Annex to MARPOL 73/78;
- .2 a Protocol to add a new Annex to MARPOL 73/78; and
- .3 a new Convention.

The Committee also agreed that the Secretariat should prepare an outline of regulations that could be included for each of the above three options (Paragraphs 8.10 and 8.22).

1.2 This note and the draft texts of legal instruments set out in annexes hereto have been prepared by the Secretariat with a view to providing a basis of further discussion by the Committee.

1.3 For drafting any new legal instrument, it is essential that basic elements of regulations and agreements between Parties to be reflected in such an instrument are clearly provided before actual drafting work. With this in mind, the Secretariat investigated draft texts of regulations and the Ballast Water Management Code contained in MEPC 43/4, but only recognized that the framework and basic elements of regulations and agreements between Parties have not yet been clearly developed and that they are still subject to further discussion at the Committee sessions.

1.4 In this situation, the Secretariat prepared draft texts of possible legal instruments as well as an outline of regulations taking into account the discussion of MEPC 42 and based on certain assumptions given below which are, of course, subject to further discussion and decisions of the Committee and should not be considered as suggestions or recommendations by the Secretariat:

- .1 areas where regulations for control and management of ships' ballast water would be applied to ships would be designated as International Ballast Water Management Areas, or, as an alternative in the form of an "opt-out" provision, areas where the regulations do not apply would be designated by port States;
- .2 it is the responsibility of the flag State to survey ships under its flag to confirm that ships are in compliance with the requirements for structure and equipment; it is also under the responsibility of the flag State to issue relevant Ballast Water Management Plan and international certificates;
- .3 ships should be under the established standard procedures for port State control under IMO instruments and the port State control officers could take the necessary action when there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the international certificate; and
- .4 however, ships, when navigating in an area where ballast water management operations were required, shall be under the control of a port State as far as operational requirements are concerned;

II AMENDMENTS TO AN EXISTING ANNEX TO MARPOL 73/78

2.1 Any proposal for amendments to MARPOL 73/78 must be considered and adopted in accordance with the provisions of Article 16 of MARPOL 73/78.

2.2 The Committee, at its forty-second session, discussed an option for amendments to MARPOL 73/78 to add a new Annex for the ballast water management (MEPC 42/8/1, section 4), but the request of the Committee to the Secretariat reflected in paragraph 8.10 of MEPC 42/22 is on a particular option for amendments to an existing Annex to MARPOL 73/78.

2.3 In this case, the requirement of paragraph (7) of Article 16 MARPOL 73/78 as reproduced below is relevant:

- (7) Any amendment to a Protocol or to an Annex shall relate to the substance of that Protocol or Annex and shall be consistent with the articles of the present Convention.

2.4 Paragraph (7) of Article 16 provides a restriction to the scope of amendments to an existing Annex prohibiting such amendments in cases where these include requirements for any substance which are not related to and regulated in the existing Annex concerned.

2.5 The substances related to existing six Annexes are well known and it is reasonable to assume that the matter to be regulated under new regulations for the ballast water management, i.e. harmful aquatic organisms and pathogens, are not related to the substance of any one of the existing MARPOL Annexes.

2.6 Therefore, any amendment to an existing Annex to include regulations for the ballast water

management shall not be accepted in the light of the provisions of MARPOL Article 16(7) and the Secretariat did not explore further possibilities in drafting any text of amendments to MARPOL under this option.

III PROTOCOL TO ADD A NEW ANNEX TO MARPOL 73/78

3.1 Under this option, the Committee may wish to further consider the following points:

- .1 whether the present definition of "harmful substance" in paragraph (2) of MARPOL Article 2 could cover the subject of the new Annex, i.e.:

harmful aquatic organisms and pathogens to be defined as aquatic organisms and pathogens which, if introduced into a particular sea area including estuaries or fresh water courses, may create hazards to human health, harm living resources and aquatic life, damage amenities, impair biological diversity or interfere with other legitimate uses of such areas; and

- .2 if the present MARPOL definition of "harmful substance" does not cover the above matters, how provisions of MARPOL Articles 6, 7, and 8 should be applied in the context of the new Annex for ballast water management.

3.2 Pending the decisions of the Committee on the above points, a draft text of a Protocol of [2000] to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 Relating Thereto was prepared as contained in annex 1.

3.3 In the preparation of the draft text of the Protocol, the Secretariat took the 1997 MARPOL Protocol on prevention of air pollution from ships as a model.

3.4 In the preamble, the following elements are included for consideration by the Committee:

- .1 the request by UNCED to IMO to establish rules on the ballast water discharge;
- .2 article 196 of the United Nations Convention on the Law of the Sea (UNCLOS) which requires States to take necessary measures to prevent alien or new species to a particular part of the marine environment;
- .3 the decision IV/5 of the Conference of the Parties to the Convention on Biological Diversity concerning the conservation and sustainable use of marine and coastal ecosystems;
- .4 the concern on possible proliferation of national measures which may affect international shipping; and
- .5 the need to establish international rules and regulations to control and manage ships' ballast water and sediments.

3.5 In the case of a Protocol to add a new Annex to MARPOL 73/78, all substantial provisions to regulate ballast water management operations would be included in the new Annex.

3.6 In the draft new Annex, the following five chapters are arranged for further discussion by the Committee to set out the framework of the new Annex:

Chapter I	General
[Chapter II	International Ballast Water Management Area]
[Chapter II	Sea Area where regulations do not apply]
Chapter III	Operational requirements
Chapter IV	Requirements on structure and equipment
Chapter V	Measures of control

IV NEW INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS

4.1 A draft text of an International Convention for the Control and Management of Ships' Ballast Water and Sediments is set out in annex 2.

4.2 In the preparation of the draft text of the new Convention, the Secretariat took several Articles of MARPOL 73/78 as model provisions and modified them as necessary.

4.3 In the preamble, the same elements as suggested for the Protocol option under section 3 above were incorporated in the draft text.

4.4 In **Article 2** on Definition, the following definitions are included:

- .1 "Harmful Aquatic Organisms or Pathogens" means aquatic organisms or pathogens which, if introduced into a particular sea area including estuaries or fresh water courses, may create hazards to human health, harm living resources and aquatic life, damage amenities, impair biological diversity or interfere with other legitimate uses of such areas; and
- .2 "International Ballast Water Management Area" is an area where the regulations apply to ships and which is designated in accordance with the provisions of Article 5.

4.5 It is assumed that the regulations would also be applied to fixed or floating platforms and the definition of ship under MARPOL 73/78 was included in Article 2.

4.6 In **Article 3** on Application, the non-favourable treatment (NFT) clause provided in MARPOL Article 5(4) is included.

4.7 In **Article 5** on International Ballast Water Management Areas, the text contained in annex 2 is prepared on the assumption that such areas would be designated by the Port State concerned. The Committee may wish to consider other options, such as an option for areas to be designated by the two-thirds majority of Parties to the Convention, but texts correspond to such other options are not included in the draft text of the Convention. However, as an alternative, the Committee may wish to consider the possibility of an "opt-out" provision, instead of the above options to designate the International Ballast Water Management Areas, and draft Article 5 on Sea area where the regulations do not apply is also included for consideration by the Committee.

4.8 In **Article 6**, the role of the flag State Administration is provided in accordance with the traditional practice in which the Administration:

- .1 ensures that ships operating under its authority comply with requirements for structure, equipment and operations; and
- .2 carries out inspections and surveys and issues the certificate and relevant documents.

4.9 The text of **Article 7** on the port State control with respect to requirements for ships' structure and equipment follows the model of MARPOL Article 5, and the text of **Article 8** on control with respect to operational requirements is included for consideration by the Committee.

4.10 Other draft Articles are prepared based on relevant MARPOL Articles with modifications as necessary such as replacement of the words "harmful substances" by "ballast water or sediments which contain harmful aquatic organisms or pathogens".

4.11 In the draft Annex to the Convention, the following four chapters have been arranged in such a way to set out the framework of the regulations:

Chapter I	General
[Chapter II	International Ballast Water Management Area]
Chapter III	Operational requirements
Chapter IV	Requirements on structure and equipment

4.12 The outline of regulations is also provided in annex 2 for consideration by the Committee.

V CONDITIONS FOR ENTRY INTO FORCE

5.1 The conditions for entry into force of the new instrument, whether a new Protocol or a new Convention, should be decided by the Diplomatic Conference to be convened to adopt the new instrument, taking into account the discussion at the Committee. In order to facilitate the discussion on this matter, the Secretariat has prepared a table of conditions for entry into force under different IMO Conventions as set out in annex 3.

VI ACTION REQUESTED OF THE COMMITTEE

6.1 The Committee is invited to consider the above in general and, in particular, consider:

- .1 the draft text of a new Protocol (annex 1); and
- .2 the draft text of a new Convention (annex 2).

ANNEX 1

**DRAFT TEXT OF PROTOCOL OF [2000] TO AMEND THE INTERNATIONAL
CONVENTION FOR THE PREVENTION OF POLLUTION OF SHIPS, 1973,
AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO**

THE PARTIES TO THE PRESENT PROTOCOL,

BEING Parties to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973,

RECALLING that the 1992 United Nations Conference on Environment and Development (UNCED) requested IMO to consider the adoption of appropriate rules on ballast water discharge to prevent the spread of non-indigenous organisms,

RECALLING ALSO Principle 15 of the Rio Declaration on Environment and Development which calls for the application of a precautionary approach,

RECALLING FURTHER Article 196 of the United Nations Convention on the Law of the Sea (UNCLOS) which provides that States shall take all measures necessary to prevent the international or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto,

RECALLING FURTHER decision IV/5 of the Conference of the Party to the Convention on Biological Diversity concerning the conservation and sustainable use of marine and coastal ecosystems,

RECOGNIZING that the proliferation of national measures to control ballast waters may cause unnecessary restrictions affecting shipping engaged in international trade,

RECOGNIZING FURTHER the need to establish international regulations to control and manage ships' ballast water and sediments to minimize the transfer of harmful aquatic organisms and pathogens,

CONSIDERING that this objective could best be achieved by the conclusion of a Protocol of [2000] to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

HAVE AGREED as follows:

Article 1

Instruments to be amended

The instrument which the present Protocol amends is the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as the "Convention").

Article 2

Addition of Annex VII to the Convention

Annex VII entitled Regulations for the Control and Management of Ships' Ballast Water and

Sediments to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens, the text of which is set out in the annex to the present Protocol, is added.

Article 3 General obligations

1 The Convention and the present Protocol shall, as between the Parties to the present Protocol, be read and interpreted together as one single instrument.

2 Every reference to the present Protocol constitutes at the same time a reference to the Annex hereto.

Article 4 Amendment procedure

In applying article 16 of the Convention to an amendment to Annex VII and its appendices, the reference to "a Party to the Convention" shall be deemed to mean the reference to a Party bound by that Annex.

Article 5 Signature, ratification, acceptance, approval and accession

1 The present Protocol shall be open for signature at the Headquarters of the International Maritime Organization (hereinafter referred to as the "Organization") from [...] until [...] and shall thereafter remain open for accession. Only Parties to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") may become Parties to the present Protocol by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature, subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization (hereinafter referred to as the "Secretary-General").

Article 6 Entry into force

1 The present Protocol shall enter into force [twelve] months after the date on which [... conditions to be decided by the Conference ...].

2 Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect [three] months after the date of deposit.

3 After the date on which an amendment to the present Protocol is deemed to have been accepted in accordance with article 16 of the Convention, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

Article 7 Denunciation

1 The present Protocol may be denounced by any Party to the present Protocol at any time after the expiry of five years from the date on which the Protocol enters into force for that Party.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3 A denunciation shall take effect twelve months after receipt of the notification by the Secretary-General or after the expiry of any other longer period which may be indicated in the notification.

4 A denunciation of the 1978 Protocol in accordance with article VII thereof shall be deemed to include a denunciation of the present Protocol in accordance with this article. Such denunciation shall take effect on the date on which denunciation of the 1978 Protocol takes effect in accordance with article VII of that Protocol.

Article 8 Depositary

1 The present Protocol shall be deposited with the Secretary-General (hereinafter referred to as the "Depositary").

2 The Depositary shall:

- (a) inform all States which have signed the present Protocol or acceded thereto of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of the present Protocol; and
 - (iii) the deposit of any instrument of denunciation of the present Protocol, together with the date on which it was received and the date on which the denunciation takes effect; and
- (b) transmit certified true copies of the present Protocol to all states which have signed the present Protocol or acceded thereto.

3 As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Chapter of the United Nations.

Article 9
Languages

The present Protocol is established in a single copy in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed the present Protocol.

DONE AT LONDON this [] day of [].

ANNEX

Addition of Annex VII to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

The following new Annex VII is added after the existing Annex VI:

"Annex VII

Regulations for the Control and Management of Ships' Ballast Water and Sediments to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens

Chapter I General

- Regulation 1 Definitions
- Regulation 2 Application
- Regulation 3 General exceptions
- Regulation 4 Survey and inspection
- Regulation 5 Issue of certificate
- Regulation 6 Issue of certificate by another Government
- Regulation 7 Form of certificate
- Regulation 8 Duration of certificate

[Chapter II International Ballast Water Management Area

- Regulation 9 Procedure for designation of International Ballast Water Management Areas
- Regulation 10 Criteria to designation of International Ballast Water Management Areas
- Regulation 11 Information required for designation of International Ballast Water Management Areas]

[Chapter II Sea Area Where Regulations Do Not Apply]

Chapter III Operational requirements

Regulation 12 General requirements

Regulation 13 Ballast Water Management Options

Regulation 14 Ballast Water Management Plan

Regulation 15 Information and notification

Regulation 16 Approval of other management options

Chapter IV Requirements on structure and equipment

Regulation 17 Requirements for structure

Regulation 18 Requirements for equipment

* Strength, stability, ballast loading manual, capacity of pump, piping arrangement, etc. should be considered under this chapter.

Chapter V Measures for control

Regulation 19 Control with respect to operational requirements

Regulation 20 Detection of violations and enforcement of the regulations

Regulation 21 Reception facilities. "

ANNEX 2**DRAFT TEXT OF INTERNATIONAL CONVENTION FOR THE CONTROL
AND MANAGEMENT OF SHIPS BALLAST WATER AND SEDIMENTS**

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to control and manage discharge of ballast water and sediments from ship to prevent the spread of non-indigenous organisms in the marine environment,

RECALLING that the 1992 United Nations Conference on Environment and Development (UNCED) requested IMO to consider the adoption of appropriate rules on ballast water discharge,

RECALLING ALSO Principle 15 of the Rio Declaration on Environment and Development which calls for the application of a precautionary approach,

RECALLING FURTHER Article 196 of the United Nations Convention on the Law of the Sea (UNCLOS) provides that States shall take all measures necessary to prevent the international or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto,

RECALLING FURTHER decision IV/5 of the Conference of the Party to the Convention on Biological Diversity concerning the conservation and sustainable use of marine and coastal ecosystems,

RECOGNIZING that the proliferation of national measures to control ballast waters may cause unnecessary restrictions affecting shipping engaged in international trade,

RECOGNIZING FURTHER the need to establish international rules and regulations to control and manage ships' ballast water and sediments to minimize the transfer of harmful aquatic organisms and pathogens,

CONSIDERING that this objective could best be achieved by establishing an international Convention,

HAVE AGREED as follows:

Article 1

General obligations under the Convention

1 The Parties to the Convention undertake to give effect to provisions of the present Convention and the annex thereto by which they are bound, in order to control and manage discharge of ships' ballast water and sediments to minimize the transfer of harmful aquatic organisms and pathogens in any part of the marine environment.

2 Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to the annex.

Article 2

Definitions

For the purpose of the present Convention, unless expressly provided otherwise:

- (a) "Regulations" means the regulations contained in the annex to present Convention.
- (b) "Harmful Aquatic Organisms or Pathogens" means aquatic organisms or pathogens which, if introduced into a particular sea area including estuaries or fresh water courses, may create hazards to human health, harm living resources and aquatic life, damage amenities, impair biological diversity or interfere with other legitimate uses of such areas.
- [(c) "International Ballast Water Management Area" is an area where the regulations shall apply to ships and which is designated in accordance with the provisions of Article 5.]
- (d) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.
- (e) "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government for the coastal State concerned.
- (f) "Organization" means the International Maritime Organization.

Article 3

Application

1 The present Convention shall apply to:

- (a) ships [of [...] gross tonnage and above] entitled to fly the flag of a Party to the Convention; and
- (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

2 The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on governmental non-commercial service. However, each Party shall ensure by adoption of appropriate of measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

3 With respect to ships of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

Article 4

Violation

1 Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

2 Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or
- (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

3 Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

4 The penalties specified under the law of a Party pursuant to the present article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

[Article 5

International Ballast Water Management Areas

1 An International Ballast Water Management Area may be designated by any Party to this Convention in accordance with the criteria for designation contained in the regulations.

2 A Party which designates an International Ballast Water Management Area shall submit a notification to the Organization 12 months prior to the date on which the designated area takes effect. This notification shall include:

- (a) information which justifies the designation of the International Ballast Water Management Area in accordance with the regulations;
- (b) a clear delineation of the designated International Ballast Water Management Area;
- (c) size and type of ships to which provisions of the regulations apply; and
- (d) the date on which the designated International Ballast Water Management Area takes effect.

3 The Secretary-General of the Organization shall communicate to all Parties to the Convention and all Members of the Organization with the above notification.]

[As an alternative to the above Article 5 on International Ballast Water Management Areas, the

following article to replace the above option may be considered:

Article 5

Sea areas where the regulations do not apply

1 A Party to this Convention may designate sea areas, along the coasts of its territory, where the regulations do not apply to certain type or size of ships.

2 A Party which designates such sea areas where the regulations do not apply shall submit a notification to the Organization at least 6 months prior to the date on which the present Convention takes effect to that Party. This notification shall include:

- (a) a clear delineation of such sea areas where the regulations do not apply; and
- (b) type and size of ships to which provisions of the regulations do not apply in such sea areas.

3 A Party which designated such sea areas may modify the designated sea areas or type or size of ships to which the regulations do not apply. Such modifications shall be notified to the Organization at least 12 months prior to the date on which such modifications take effect.

4 The Secretary-General of the Organization shall communicate to all Parties to the Convention and all Members of the Organization with the above information.]

Article 6

Role of the Administration

1 The Administration shall ensure that ships which are operating under its authority and engaged in voyages in [the International Ballast Water Management Areas] [areas where the regulations apply] comply with;

- (a) requirements for the structure of ships and equipment; and
- (b) operational requirements,

in accordance with the regulations.

2 The Administration shall carry out the inspection and survey of ships which are operating under its authority and issue relevant International Certificates in accordance with the provisions of the regulations.

3 The Administration shall approve the Ballast Water Management Plan for ships inspected for issuance of relevant International Certificates in accordance with the provisions of the regulations.

4 The Administration shall endeavour to ensure that ships which are operating under its authority provide training for their officers and ratings engaged in ballast water management operations in the application of ballast water management and treatment procedure and ensure that they are familiar with the ballast water management plan of the ship on which they serve.

Article 7

Control with respect to requirements for ships' structure and equipment

1 Subject to the provisions of paragraph 2 of the present article, a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the regulations shall be accepted by other Parties and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.

2 A ship required to hold a certificate in accordance with the provisions of the regulation is subject, while in the ports or offshore terminals under the jurisdiction of a Party, to inspection by officers duly authorized by that Party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine ecosystem. That Party may, however, grant such a ship permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

3 If a Party denies a foreign ship entry to the ports or offshore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the regulations.

Article 8

Control with respect to operational requirements

The Government of a Party [which designated the International Ballast Water Management Area] shall appoint or authorize surveyors for the purpose of implementing the operational requirements contained in the regulations. The surveyors shall execute control in accordance with control procedures contained in the regulations.

[Alternative text:

1 A ship, when in a port or an offshore terminal under the jurisdiction of another Party to the Convention, is subject to inspection by officers duly authorized by such Party concerning operational requirements contained in the regulations, where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the control and management of ships' ballast water and sediments.

2 In the circumstances given in paragraph 1 above, the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the operational requirements contained in the regulations.]

Article 9

Detection of violations and enforcement of the Convention

1 Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

2 A ship to which the present Convention applies may, in any port or offshore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has discharged any ballast water or sediments which contain harmful aquatic organisms or pathogens in violation of the provisions of the regulations. If and inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

3 Any Party shall furnish to the Administration evidence, if any, that the ship has discharged ballast water or sediments which contain harmful aquatic organisms or pathogens in violation of the provisions of the regulations. If it is practicable to do so, the competent authority of the former Party shall notify the master of the ship of the alleged violation.

4 Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

5 A Party may also inspect a ship to which the present Convention applies when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has discharge ballast water or sediments which contain harmful aquatic organisms or pathogens in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

Article 10

Undue delay to ships

1 All possible efforts shall be made to avoid a ship being unduly detained or delayed under articles 4, 7, 8 and 9 of the present Convention.

2 When a ship is unduly detained or delayed under articles 4, 7, 8 and 9 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

Article 11

Reception facilities

The Government of a Party, [which designated an International Ballast Water Management Area,] shall:

- (a) ensure that all ports having ship repair yards or tank cleaning facilities shall have adequate

facilities available for the environmentally safe disposal of ballast tank sediments;

- (b) ensure that any port reception and/or treatment facilities for ballast water are adequate, effective, practical, safe and environmentally sound and that they operate without causing undue delay to ships; and
- (c) undertake to communicate to the Organization a list of reception and treatment facilities including their location, capacity and available facilities and other characteristics.

Article 12

Communication of information

1 The Parties to the Convention shall communicate to the Organization:

- (a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;
- (b) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of ships carrying ballast water or sediments which contain harmful aquatic organisms or pathogens in accordance with the provisions of the regulations;
- (c) a sufficient number of specimens of their certificates issued under the provisions of the regulations;
- (d) a list of reception facilities including their location, capacity and available facilities and other characteristics;
- (e) official reports or summaries of official reports in so far as they show the results of the application of the present Convention; and
- (f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.

2 The Organization shall notify Parties of the receipt of any communications under the present article and circulate to all Parties any information communicated to it under subparagraphs 1(b) to (f) of the present article.

Article 13

Signature, ratification, acceptance, approval and accession

1 The Present Convention shall remain open for signature at the Headquarters of the Organization from [] until [] and shall thereafter remain open for accession. States may become Parties to the present Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or

- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

3 The Secretary-General of the Organization shall inform all States which have signed the present Convention or acceded to it of any signature or of the deposit of any new instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article 14

Entry into force

1 The present Convention shall enter into force [twelve] months after the date on which [... condition to be decided by the Conference ...].

2 Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Convention enters into force shall take effect [three] months after the date of deposit.

3 After the date on which an amendment to the present Convention is deemed to have been accepted in accordance with article 16, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Convention as amended.

Article 15

Amendments

1 The present Convention may be amended by any of the procedures specified in the following paragraphs.

2 Amendments after consideration by the Organization:

- (a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration;
- (b) any amendment proposed and circulated as above shall be submitted to the Marine Environment Protection Committee of the Organization for consideration;
- (c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee;
- (d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;

- (e) if adopted in accordance with subparagraph (d) above, amendments shall be communicated by the Secretary-General of the Organization to all Parties to the Convention for acceptance;
- (f) an amendment shall be deemed to have been accepted in the following circumstances:
 - (i) an amendment to an article of the Convention shall be deemed to have been accepted on the date on which it is accepted by [two-thirds of the Parties][other conditions to be decided by the Conference] ;
 - (ii) an amendment to the Annex to the Convention shall be deemed to have accepted in accordance with the procedure specified in subparagraph (f)(iii) unless the Committee, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by [two-thirds of the Parties] [other conditions to be decided by the Conference]. Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of Parties;
 - (iii) an amendment to an appendix to the Annex to the Convention shall be deemed to have been accepted at the end of a period to be determined by the Committee at the time of its adoption, which period shall be not less than ten months, unless within that period an objection is communicated to the Organization by not less than [one-third of the Parties] [other conditions to be decided by the Conference];
- (g) the amendments shall enter into force under the following conditions:
 - (i) in the case of an amendment to an article of the Convention or to an Annex to the Convention not under the procedure specified in subparagraph (f)(iii), the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Parties which have declared that they have accepted it;
 - (ii) in the case of an amendment to an appendix to the Annex or to the Annex to the Convention under the procedure specified in subparagraph (f)(iii), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Parties with the exception of those which, before that date, have made a declaration that they do not accept it or a declaration under subparagraph (f)(ii), that their express approval is necessary.

3 Amendment by a Conference:

- (a) Upon the request of a Party, concurred in by at least one third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider

amendments to the present Convention.

- (b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting parties for their acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph (2)(f) and (g) above.

4 Unless expressly provided otherwise, any amendment to the present Convention made under this article, which relates to the structure of a ship, shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.

5 The Secretary-General of the Organization shall inform all Parties of any amendments which enter into force under the present article, together with the date on which each such amendment enters into force.

6 Any declaration of acceptance or of objection to an amendment under the present article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Parties to the Convention.

Article 16

Promotion of technical co-operation

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, support for those Parties which request technical assistance for:

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment for ballast water and sediments treatment and facilities for reception and monitoring;
- (c) the facilitation of other measure and arrangements to control and manage ballast water and sediments which contains harmful aquatic organisms or pathogens; and
- (d) the encouragement of research;

preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

Article 17

Regional co-operation

In order to further the objectives of this Convention, Parties to the Convention with common interests to protect the marine environment in a given geographical area shall endeavour, taking into account characteristic regional features, to enhance regional co-operation including the conclusion of regional agreements consistent with this Convention with a view to minimizing the transfer of harmful

aquatic organisms and pathogens in any part of the marine environment. Parties to the Convention shall seek to co-operate with the parties to regional agreements in order to develop harmonized procedures to be followed under such regional agreements.

Article 18

Denunciation

1 The present Convention may be denounced by any Parties to the Convention at any time after the
expiry of five years from the date on which the Convention enters into force for that Party.

2 Denunciation shall be effected by notification in writing to the Secretary-General of the Organization who shall inform all the other Parties of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

3 A denunciation shall take effect 12 months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

Article 19

Deposit and registration

1 The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.

2 As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article 20

Languages

The present Convention is established in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE AT LONDON this [].

ANNEX

Regulations for the Control and Management of Ships' Ballast Water and Sediments to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens

Chapter I General

Regulation 1

Definitions

In this regulation, definitions for the following may be included:

- Ballast water
- Sediments
- Harmful Aquatic Organisms and Pathogens
- Ballast water treatment
- [International ballast water management area]
- [Ballast Water Management Plan]
- [Deep Sea Voyage]
- [Voyage other than deep sea voyage]
- [International Ballast Water Management Code]

Regulation 2

Application

Except where expressly provided otherwise, the provisions of this Annex shall apply to all ships that carry ballast water.

Regulation 3

General exceptions

Texts of this regulation should be developed taking the draft texts for Regulation 3 contained in MEPC 43/4 as a basis for further discussion.

Regulation 4

Survey and inspection

1 Every ship of [500] gross tonnage and above which is engaged on voyages in the International Ballast Water Management Area shall be subject to the surveys specified below:

[to be developed].

2 Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

3 An Administration nominating surveyors or recognizing organizations to conduct surveys and inspection as set force in paragraph 2 of this regulation, shall as a minimum empower any nominated surveyors or recognized organization to:

- (a) require repairs to a ship and its ballast water treatment equipment; and
- (b) carry out surveys and inspections if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Convention for the information of their officers.

4 When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or is such that the ship is not fit to carry out the ballast water management operations as specified in the Ballast Water Management Plan, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken, the Certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the port State shall also be notified immediately.

5 The condition of the ship and its equipment shall be maintained to conform with the provisions of the present Convention to ensure that the ship is in all aspects will remain fit to carry out the ballast water management operation.

6 After any survey of the ship under paragraph 1 of this regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.

Regulation 5

Issue of Certificate

1 An International Ballast Water Management Certificate shall be issued, after in accordance with the provisions of regulation 4, to ships of [500] gross tonnage and above engaged in voyages in [the International Ballast Water Management Areas] [areas where the regulations apply]. In the case of existing ships, this requirement shall apply 12 months after the date of entry into force of the present Convention.

2 Such certificate shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibilities for the certificate.

Regulation 6

Issue of a certificate by another Government

1 The government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Ballast Water Management Certificate to the ship in accordance with this Annex.

2 A copy of the certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

3 A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the certificate issued under regulation 5.

4 No International Ballast Water Management Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

Regulation 7

Form of certificate

The International Ballast Water Management Certificate shall be drawn up in an official language of the issuing country in the form corresponding to the model given in appendix I to this Annex. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages.

Regulation 8

Duration of certificate

An International Ballast Water Management Certificate shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue.

[Chapter II International Ballast Water Management Areas

Regulation 9

Criteria for designation of an International Ballast Water Management Area

In this regulation, criteria for designation of an International Ballast Water Management Area would be provided.

The Committee may wish to discuss what criteria should be established.

Regulation 10

Information required for designation of International Ballast Water Management Areas

In this regulation, a list of information required to be submitted to IMO for the designated International Ballast Water Management Areas would be defined.]

Chapter III Operational requirements

Regulation 11

General requirements

The Committee may wish to develop general operational requirements. This regulation may refer to the Ballast Water Management Code for detailed operational procedures.

Regulation 12

Ballast Water Management Options

In this regulation, ballast water management options including the following options would be provided:

- .1 open-sea ballast water exchange;*
- .2 non-discharge in the IBWM Areas;*
- .3 discharge into reception facilities;*
- .4 filtering; and*
- .5 other ballast water treatment options.*

Regulation 13

Ballast Water Management Plan

Ships should be required to hold specific Ballast Water Management Plans issued by the Administration and endorsed by the port State which designates the International Ballast Water Management Area concerned.

Regulation 14

Information and notification

In this regulations, ships are required to provide to the port State necessary information when specific ballast water procedures and/or treatment options could not be undertaken.

Regulation 15

Approval of other management options

In this regulation, procedures for approval of other ballast water management options than described in regulation 12 would be provided.

Chapter IV Requirements on structure and equipment

In this chapter, following requirements would be provided:

- requirements for structure of ships engaged in open-sea ballast water exchange;*

- *requirements for stability assessment of ships engaged in open-sea ballast water exchange;*
 - *requirements for filtering systems;*
 - *requirements for other ballast water treatment options.*
- ***

ANNEX 3

ENTRY INTO FORCE CONDITIONS OF IMO CONVENTIONS

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
SOLAS 1974	12	25	50	
SOLAS PROT 1978	6	15	50	
SOLAS PROT 1988	12	15	50	the conditions for the entry into force of the Protocol of 1988 relating to the International Convention on Load Lines, 1966, have been met; and provided that the present Protocol shall not enter into force before 1 February 1992
SOLAS AGR 1996	12 (after notification by the Government of Sweden to the Secretary-General or on the date on which not fewer than five States have become Parties)	5	--	
COLREG 1972	12	15	65% by number or tonnage of the world fleet of vessels of 100 gross tons and over	shall not enter into force before 1 January 1976
MARPOL PROT 1978	12	15	50	

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
MARPOL PROT 1997	12	15	50	
FAL 1965	60 days	10		
LL 1966	12	15 including seven each with not less than one million gross tons of shipping		
LL PROT 1988	12	15	50	The conditions for the entry into force of the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, have been met, provided that the Protocol shall not enter into force before 1 February 1992
TONNAGE 1969	24	25	65	
INTERVENTION 1969	90th day	15	--	
INTERVENTION PROT 1973	90th day	15	--	

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
CLC 1969	90th day	8 including five States each with not less than 1,000,000 gross tons of tanker tonnage		
CLC PROT 1976	90th day	8 including five States each with not less than 1,000,000 gross tons of tanker tonnage		

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
CLC PROT 1992	12	10 including four States each with not less than one million units of gross tanker tonnage		However, any Contracting State to the 1971 Fund Convention may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol, declare that such instrument shall be deemed not to be effective for the purposes of this article until the end of the six-month period in Article 31 of the Protocol of 1992 to amend the 1971 Fund Convention. A State which is not a Contracting State to the 1971 Fund Convention but which deposits an instrument of ratification, acceptance, approval or accession in respect of the Protocol of 1992 to amend the 1971 Fund Convention may also make a declaration in accordance with this paragraph at the same time.
STP 1971	6	3 Contracting Governments to the Convention* (SOLAS 1960)	--	*provided that at least two of such Governments shall be Governments of States in whose territory are registered ships engaged in the special trades or whose nationals are carried in ships engaged in these trades

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
SPACE STP 1973	6	3 Governments Parties to the 1971 Agreement* (STP 1971)	--	*provided that at least two of such Governments shall be Governments of States in whose territory are registered ships engaged in the special trades or whose nationals are carried in ships engaged in these trades
NUCLEAR 1971	90th day	5	--	
FUND 1971	90th day	8*		*and the Secretary-General of the Organization has received information in accordance with article 39 that those persons in such States who would be liable to contribute pursuant to article 10 have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil. However, this Convention shall not enter into force before the Liability Convention ¹ has entered into force.

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
FUND PROT 1976	90th day	8*		* and the Secretary-General has received information in accordance with article 39 of the Convention ¹ (FUND 1971) that those persons in such States who would be liable to contribute pursuant to article 10 of the Convention ¹ have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil. However, the present Protocol shall not enter into force before the Convention ¹ has entered into force.
FUND PROT 1992	12	8*		*and the Secretary-General of the Organization has received information in accordance with article 29 that those persons who would be liable to contribute pursuant to article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 450 million tons of contributing oil. However, this Protocol shall not enter into force before the 1992 Liability Convention has entered into force.

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
CSC 1972	12	10	--	
PAL 1974	90th day	10	--	
PAL PROT 1976	90th day	10	--	The Protocol shall not enter into force before the Convention (PAL 1974) has entered into force
PAL PROT 1990	90 days	10	--	
INMARSAT C	60 days	States representing 95% of the initial investment shares	--	if the Convention has not entered into force within thirty-six months after the date it was opened for signature, it shall not enter into force.
INMARSAT OA	Agreement shall enter into force for a Signatory on the date on which the Convention ¹ (INMARSAT C) enters into force for the respective Party in accordance with article 33 of the Convention. ¹			

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
LLMC 1976	1st day of the month following one year after the date on which twelve States have signed	12	--	
LLMC PROT 1996	90 days	10	--	
STCW 1978	12	25	50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more	
STCW-F 1995	12	15	--	
SAR 1979	12	15	--	
SUA 1988	90 days	15	--	
SUA PROT 1988	90 days	3	--	The Protocol shall not enter into force before the Convention (SUA 1988) has entered into force

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
COS-SAR 1988	60th day	the four States (Canada, France, United States and Russian Federation)	--	
SALVAGE 1989	one year	15	--	
OPRC 1990	12	15	--	
SFV PROT 1993	12	15	the aggregate number of whose fishing vessels of 24 metres in length and over is not less than 14,000	

IMO CONVENTION	Period before the Convention will enter into force after condition met (months unless otherwise specified)	Number of States required (not less than)	Percentage of gross tonnage of world's merchant shipping (not less than %)	Other conditions
HNS 1996	18	12 States, including four States each with not less than 2 million units of gross tonnage		and the Secretary-General has received information in accordance with article 43 that those persons in such States who would be liable to contribute pursuant to article 18, paragraphs 1(a) and (c) have received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo contributing to the general account.
LC 1972	30th day	15	--	
LC PROT 1996	30th day	26*	--	*and at least 15 Contracting Parties to the Convention ¹ (LC 1972) are included in the number of States.